

Bill No. 40 of 1936.

A BILL TO AMEND THE MUNICIPAL DISTRICT
ACT.

NOTE.

The amendment made by section 2 provides for the inclusion in a municipal district of any road allowance between a forest reserve and the district as well as any road allowance between an Indian reserve and the district.

The amendment made by section 3 provides that the location of the office of a municipal district shall be approved by the Minister.

Section 4 amends section 28 of the Act relating to the qualification for election as councillors, and adds a further requirement to the effect that a candidate shall not be in arrear in payment of his taxes.

Section 5 empowers a council to lease Crown lands for the purpose of community grazing.

Section 6 makes the provisions of section 117 of the Act applicable to lands finally acquired under any Act providing for the recovery of taxes.

Section 7 adds to section 150 a special provision to meet the case of persons afforded assistance who are members of a body which holds lands in common, and a further provision to the effect that the liability of the council to a person who has been granted relief under the Act or *The Hospitals Act* or *The Mothers' Allowance Act* shall continue so long as such relief is either paid or payable and for three months after the discontinuance thereof.

Section 8 provides that a hospital by-law must be passed by a majority of the electors voting thereon instead of by two-thirds.

Section 9 provides for the addition to the voters' list of the names of persons who have entered into a tax consolidation agreement in respect of lands finally acquired by the municipal district.

Section 10 provides that section 202 relating to nomination meetings shall not apply to a district for which an administrator has been appointed in place of a council.

Section 17 provides for the imposition of a minimum tax for school purposes of four dollars.

The other sections of the Bill to which no reference is made make amendments of minor importance.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 40 of 1936.

An Act to amend The Municipal District Act.

(Assented to _____, 1936.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows.

1. This Act may be cited as "*The Municipal District Act Amendment Act, 1936.*"

2. *The Municipal District Act*, being chapter 41 of the Statutes of Alberta, 1926, is hereby amended as to section 12 thereof by striking out the words "an Indian reserve", where the same occur in subsection (2) thereof, and by substituting therefor the words "either an Indian reserve or a forest reserve".

3. The said Act is further amended as to section 26 thereof by striking out the same and by substituting therefor the following:

"**26.** Every municipal district shall have an office at a place selected by the council and approved by the Minister."

4. The said Act is further amended as to section 28 thereof by adding at the end thereof the following new paragraph:

"(g) he is not in arrears in respect of any taxes payable by him to the municipal district."

5. The said Act is further amended as to section 93 thereof by adding at the end thereof the following new subsection:

"(3) The council may pass a by-law authorizing the acquisition upon lease of Crown lands for the purpose of community grazing."

6. The said Act is further amended as to section 117 thereof by striking out the words "*The Tax Recovery Act*", where the same occur in subsection (1) thereof, and by substituting therefor the words "any Act providing for the recovery of taxes".

7. The said Act is further amended as to section 150 thereof by inserting therein, immediately after subsection (10) thereof, the following new subsections:

"(10a) In case any assistance is given under the provisions of this Act to a person who is a member of a body, whether corporate or not, whose lands are held for the common use of the members of the body, the municipal

district shall have a charge upon the lands within the Province owned by the body of which he is a member for the expenses incurred by so doing and may lodge a caveat for the protection of such charge in the proper Land Titles Office.

“(10b) In any case in which a council has granted relief under this Act or *The Hospitals Act* or *The Mothers' Allowance Act* to any person resident in the municipal district in respect of whom the council thereof is legally chargeable on account of such relief, the liability of the council under the said Acts shall continue so long as such relief is either paid or payable and for three months after the discontinuance thereof.”

8. The said Act is further amended as to section 157 thereof by striking out the words “two-thirds”, where the same occur in subsection (5) thereof, and by substituting therefor the words “a majority”.

9. The said Act is further amended as to section 184 thereof by inserting therein, immediately after paragraph (c) of subsection (1) thereof, the following new paragraph:

“(c1) the name of every person who has entered into an agreement for the consolidation of arrears of taxes authorized by any statute in respect of a parcel which has been finally acquired by the municipal district under any Act providing for the recovery of taxes;”.

10. The said Act is further amended as to section 202 thereof by adding at the end thereof the following new subsection:

“(5) This section shall not be applicable to a municipal district in respect of which an administrator has been appointed in the place of the council under any of the provisions of *The Department of Municipal Affairs Act*.”

11. The said Act is further amended as to section 286^b thereof by adding at the end thereof the following new subsection:

“(3) Assessments under this section shall be made annually and none of the provisions of this Act relating to a triennial assessment shall be applicable thereto.”

12. The said Act is further amended as to section 287 thereof by striking out the words “one thousand nine hundred and twenty-nine”, where the same occur in subsection (1) thereof, and by substituting therefor the words “one thousand nine hundred and thirty-seven”.

13. The said Act is further amended as to section 301 thereof by striking out the words “mailed by registered post”, where the same occur therein, and by substituting therefor the words “sent by mail”.

14. The said Act is further amended as to section 336 thereof,—

- (a) by striking out the words "in any municipal district or districts or all municipal districts", where the same occur therein, and by substituting therefor the words "in any municipal district or any part thereof or in all or any municipal districts"; and
- (b) by striking out the words "by a court of revision", where the same occur therein, and by substituting therefor the words "against assessments".

15. The said Act is further amended as to section 343 thereof by striking out paragraph (a) thereof and by substituting therefor the following:

- "(a) the amount of taxes upon land exclusive of improvements and upon other property assessed as if it were land, and the rate of taxation;"

16. The said Act is further amended as to section 347 thereof by adding at the end thereof the words "and that amount only shall be entered upon the assessment roll and tax roll which that person may be called upon to pay."

17. The said Act is further amended as to section 367a thereof by striking out the same and by substituting therefor the following:

"367a.—(1) Subject to the approval of the Minister of Education, the council may by resolution fix a minimum tax for school purposes in the sum of four dollars to be paid by any person assessed upon the assessment roll, and may require that every male resident of the municipal district of the full age of twenty-one years who has resided in the district for a period of one month or over and has not been assessed on the assessment roll shall pay an annual tax of four dollars for school purposes, to be collected at any time after the first day of January in each and every year, and such school tax shall be payable by such resident whether he has resided in the district before the date of the completing of the last revised assessment roll or not; but in the case of the collection of such tax the name of such resident so paying shall be added to the assessment roll.

"(2) Any person liable to pay such tax shall pay the same to the secretary-treasurer of the municipal district or to such person as is appointed by the council to collect the same within three days after the demand therefor, but in case of neglect or refusal to pay, levy may be made by distress and sale of goods and chattels of the person in default as provided in this Act.

"(3) Every employer shall furnish from month to month, upon request to the secretary-treasurer of the municipal district, the names of all persons in his employment and the secretary-treasurer by notice in writing may require the employer or employers to deduct from the next payment made to any employee who is named in the notice and has not paid the tax imposed hereby, the amount of the tax and to forward the same to the secretary-treasurer immediately after making the deduction hereinbefore directed.

“(4) Where any person has in any year paid a school tax of at least four dollars to any city, town, municipal district or school district he shall not be liable in that year to the tax imposed by this section.

“(5) Any employer who fails to make the deduction hereinbefore directed and to forward the amount of such deduction as hereinbefore directed, shall be liable upon summary conviction to a fine not exceeding fifty dollars, and the amount of the fine shall be paid to the secretary-treasurer of the municipal district, and in the event of the same not being paid within two weeks of its imposition, the secretary-treasurer may levy the amount of the same by distress and sale of the goods and chattels of the employer in default under this Act together with all costs incurred by reason of the proceedings leading to the imposition of the fine or of enforcing the payment thereof in the manner provided by section 357 of this Act.”

18. This Act shall come into force on the day upon which it is assented to.

No. 40.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act to amend The Municipal
District Act.

Received and read the

First time

Second time

Third time

HON. MR. COCKROFT.

EDMONTON:
A. Shnitka, King's Printer
1936